

BOARD OF APPEALS CASE NO. 4802

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BEFORE THE

APPLICANT: Wesley Bland

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a
garage more than 50% larger than the
habitable space of the principal dwelling;
644-A Trimble Road, Joppa**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 3/18/98 & 3/25/98

HEARING DATE: May 4, 1998

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Record: 3/20/98 & 3/27/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Mr. Wesley Bland, is requesting a variance to Section 267-26(C)(1) of the Harford County Code to construct a garage more than 50% of the habitable space of the principal dwelling in an R1 Urban Residential District.

The subject property is located at 644-A Trimble Road, Joppa, MD 21085 and is more particularly identified on Tax Map 65, Grid 4B, Parcel 911. The parcel consists of 1.988 acres, is presently zoned R1 and is located entirely within the First Election District.

The Applicant, Mr. Wesley Bland appeared and testified that he is a collector of antique and custom automobiles. The Applicant proposes to build a single story garage 30 feet by 60 feet to store his collection of vehicles. The property is very long and narrow and the Applicant stated that he would like to locate the garage at the rear of the property to keep it out of sight. He stated that he could build it connected to the existing home but that the appearance of the house would be lost. The witness indicated that one-half of the property is unusable floodplain. The witness indicated that he would build the garage to match the appearance of the existing house and would not install heat or plumbing. The structure will not be used for repairs or to operate as a business. He intends to extend the existing driveway rearward to the proposed site. He indicated that he will soon lose the present storage facility as it will soon be sold. The Applicant did not believe that any adverse impact would result from the erection of the structure at the proposed site.

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The Department of Planning and Zoning has recommended approval of the application, subject to several conditions.

Mr. Tom Gorman appeared in opposition to the request. Mr. Gorman lives next door and is concerned about the noise of the cars that will result from the garage. Additionally, he believes runoff onto his property will be a problem because his property sits lower than the Applicant's. Mr. Gorman also stated that the Applicant had a garage at his old house on Orems Road where the Applicant ran a business. The witness also stated that the neighbors at the Orems Road property were unhappy with the structure built there and the use made of the garage by the Applicant. None of this testimony was corroborated by any Orems Road neighbors.

Mrs. Kathy Gorman, spouse of Tom Gorman, also appeared and testified that she is in opposition to the Applicant's request. She also stated that the Applicant had other garages that became neighborhood problems, but none of this testimony was corroborated by any other witness. Mrs. Gorman noted that her deck is 150 feet from the proposed situs of the garage and that it is clearly visible from her house.

CONCLUSION:

Section 267-26(C)(1) provides:

"Use limitations. In addition to the other requirements of this Part I, an accessory use shall not be permitted unless it strictly complies with the following:

- (1) In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure. This does not apply to agricultural structures, nor does it affect the provisions of Section 267-24, Exceptions and Modifications to Minimum Height Requirements. No accessory structure shall be used for living quarters, storage of contractors' equipment nor the conducting of any business unless otherwise provided by this Part I."

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Additionally, the Harford County Code, pursuant to Section 267-11, permits variances, provided the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

In the instant case, the Applicant desires to build a garage to store antique motor vehicles. The garage will be large, 1800 square feet, and located to the rear of the Applicant's property. The neighboring property owners testified that the Applicant previously used a similar garage for a business, however, a business use will not be permitted if the application is approved and should not be a factor. Additionally, the adjacent property owners were concerned about runoff; however, no testimony was presented that such a problem would, in fact, result from the erection of the structure. The opponents further stated that the Applicant's former neighbors were very unhappy with the previous garage erected by the Applicant at his Orem's Road home, but none of these persons appeared as witnesses.

The garage will be located to the rear of the property and, though visible from adjacent properties, is as far back as possible to minimize noise and visual impact. The property is long and narrow as the Applicant described and is topographically unique in that regard. Additionally, one-half of the property is unusable floodplain, drastically reducing the buildable envelope. The Department of Planning and Zoning investigated the subject application and reviewed the Applicant's proposal, finding that the proposed structure would have little or no adverse impact on adjacent properties. The Code clearly provides that such a structure could be built as a connection to the existing home without the necessity of a variance, thus, the only issue is whether the proposed structure located deep on the property would have some adverse impact by virtue of its location. The Hearing Examiner finds that it will not, if adequate conditions of use and construction are imposed.

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The Hearing Examiner, therefore, recommends approval of the Applicant's request, subject to the following conditions:

1. That the Applicant obtain all necessary permits and inspections.
2. That the structure be a single story building with exterior facade that matches the existing home in appearance.
3. That the Applicant not operate any type of business from this structure.
4. That the Applicant locate the entire structure outside of the 100 year floodplain.
5. That the Applicant assure adequate precautions are taken during construction to prevent runoff to other properties.
6. That the garage is for the Applicant's personal use, particularly for the storage of motor cars and shall not be used for dwelling purposes of any kind.
7. That the Applicant submit a landscaping plan to the Department of Planning and Zoning which shall provide additional screening to further minimize visual and potential noise impacts.
8. That the structure not be used for the repair of vehicles.

Date MAY 27, 1998

William F. Casey
Zoning Hearing Examiner